

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:17-CR-3024

vs.

FRANCISCO SANCHEZ-VALENCIA,

Defendant.

ORDER

This matter is before the Court on its own motion. On September 27, 2017, the defendant's trial counsel filed a notice of appeal regarding this Court's September 18 judgment, in which the defendant was sentenced to the custody of the Bureau of Prisons for a term of 135 months. [Filing 57 at 2](#). Trial counsel, in the notice of appeal, writes: "Defendant believes Counsel was ineffective and Defendant does not want current Counsel, but a different Counsel to review his case." [Filing 66 at 1](#).

To the extent that trial counsel seeks to withdraw as the attorney of record, that request must be filed with the Eighth Circuit Court of Appeals. Rule 27B(a) of the Eighth Circuit's Local Rules provides:

Retained counsel in criminal cases, and counsel appointed to represent a party pursuant to the provisions of the Criminal Justice Act, [18 U.S.C. § 3006A](#), [Federal Rule of Criminal Procedure 44](#), or the inherent power of a federal court, shall file a notice of appeal upon their client's request. Defendant's trial counsel, whether retained or appointed, shall represent the

defendant on appeal, *unless the Court of Appeals grants permission to withdraw.*

8th Cir. R. 27B(a) (emphasis supplied). Therefore, trial counsel's request must be directed to the Court of Appeals in compliance with 8th Cir. R. 27B(a).

Dated this 29th day of September, 2017.

BY THE COURT:


John M. Gerrard
United States District Judge